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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR94-509-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 ALVIN GILCRIST,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on August 31, 2007. The United States was represented by AUSA Mark N. Bartlett and the
16 defendant by Carol A. Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 9, 1995 and then re-sentenced, following
18 appeal on September 29, 1997, by the Honorable William L. Dwyer on a charge of Felon in
19 Possession of a Firearm to 41 months custody, 3 years supervised release. (Dkt. 62.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, consent to search, participate in substance
22 abuse testing and treatment and abstain from alcohol.

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
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01 On March 27, 2007, defendant admitted to violating the conditions of supervised release
02 by failing to submit a urine sample (two counts), failing to submit a complete and truthful monthly
03 report to his probation officer, failing to notify his probation officer at least 10 days of a change
04 in residence, and failing to report to the probation office as directed (two counts). (Dkt. 72.) A
05 supplemental violation was filed on April 9, 2007, charging defendant with associating with a
06 known felon. (Dkt. 79.) Having admitted the previous violations, Defendant was found guilty of
07 this additional violation and sentence was imposed for all violations, consisting of credit for time
08 served and satisfactory participation in a residential reentry program for up to 120 days. (Dkt. 83,
09 86.)

10 In an application dated August 29, 2007 (Dkt. 95), U.S. Probation Officer Michael J.
11 Larson alleged the following violations of the conditions of supervised release:

12 1. Failing to reside in and satisfactorily participate in a residential reentry center
13 (RRC) program since August 21, 2007, by failing to abide by the rules and conditions of the
14 program, in violation [of] the special condition requiring his participation in an RRC program for
15 up to 120 days.

16 2. Using a prescribed medication, namely Oxycodone, on or about August 24, 2007,
17 in a manner inconsistent with the instructions of his physician, in violation of standard condition
18 number seven.

19 Defendant was advised in full as to those charges and as to his constitutional rights.

20 Defendant admitted the alleged violations and waived any evidentiary hearing as to
21 whether they occurred.

22 I therefore recommend the Court find defendant violated his supervised release as alleged,

01 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
02 set before Judge Pechman.

03 Pending a final determination by the Court, defendant has been detained.

04 DATED this 31st day of August, 2007.

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06 Mary Alice Theiler
07 United States Magistrate Judge

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09 cc: District Judge: Honorable Marsha J. Pechman
10 AUSA: Mark N. Bartlett
11 Defendant's attorney: Carol A. Koller
12 Probation officer: Michael J. Larson
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